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OFFICE OF PETITIONS

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| In re Application of | : | |
| Boyd R. Eifling et al. | : | |
| Application No. 09/888,410 | : | DECISION ON PETITION |
| Filed: June 26, 2001 | : | UNDER 37 C.F.R. §1.137(b) |
| Attorney Docket No.: N1416-001 | : | |
| Title: CELLULOSE ABSORBENT | : | |

This is a decision on the petition filed September 17, 2004, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed March 22, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting formal drawings². Accordingly, the above-identified application became abandoned on June 23, 2004. A Notice of Abandonment was mailed on August 18, 2004.

With this petition, petitioner submitted the petition fee, corrected drawings, and the proper statement of unintentional delay.

The instant petition is not grantable because requirement (1) has not been satisfied. The requirement has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed³. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. §1.137(b)(1).

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² See MPEP §710.02(e).

³ See M.P.E.P. 711.03(c).

The corrected drawings which were filed along with this petition have been reviewed by a Draftperson, and have been deemed to be unacceptable. A copy of the Notice of Draftperson's Patent Drawing Review has been enclosed.

For this reason, this petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

On renewed petition, petitioner should submit corrected drawings which comply with the Notice of Draftperson's Patent Drawing Review.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail⁴, hand-delivery⁵, or facsimile⁶.

The application file will be retained in the Office of Petitions for two (2) months.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

Encl. Notice of Draftperson's Patent Drawing Review

⁴ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

⁵ Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

⁶ (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned, which could be as much as one month.